

Town Board Minutes

**Meeting
No. 39**

Special Meeting

December 20, 1999

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A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 20th day of December 1999, at 6:30 PM and there were

PRESENT: ROBERT GIZA, SUPERVISOR
NEIL CONNELLY, COUNCIL MEMBER
WILLIAM MARYNIEWSKI, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
REBECCA ANDERSON, PLANNING BOARD MEMBER
FRANK DE CARLO, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
DAVID MARRANO, PLANNING BOARD CHAIRMAN
STEVEN SOCHA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
MILDRED WHITTAKER, PLANNING BOARD MEMBER

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee under the State Environmental Conservation Law and continuing the SEQR Review of the Draft Environmental Impact Statement [DEIS] submitted by NEC Transit William LLC for a zoning change of approximately 36± acres at the northeast corner of Transit Road and William Street from CMS (Commercial Motor Service) and R1, (Residential District One) to GB (General Business District).

The Town Clerk presented to the members of the Municipal Review Committee written comments that were received by his office up to 12 o'clock noon, December 20, 1999 on the Draft Environmental Impact Statement [DEIS] previously submitted by NEC Transit/William LLC.

Mr. Edward Schiller, P.E. a retained consultant of the Town of Lancaster in the review of the Draft Environmental Statement [DEIS] prepared by NEC Transit/William LLC, presented a report to the Municipal Review Committee dated December 20, 1999 wherein he determined that the preparation of a supplemental Draft Environmental Impact Statement is required.

Due to the volume of comment material presented by the Town Clerk to the Municipal Review Committee, the Committee recessed at 6:45 P.M. for the purpose of reviewing the material submitted by the Town Clerk.

At 7:30 P.M. the Municipal Review Committee reconvened with all members present.

A discussion ensued on whether or not action should be deferred on this matter to a latter date to afford committee members additional time to further review the DEIS comments received this evening from the Town Clerk. In an informal show of hands the committee indicated eight to four not to defer action on this matter to a latter date.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER SOCHA, TO WIT:

WHEREAS, NEC Transit William LLC ("the Applicant") with offices at 6495 Transit Road, Bowmansville, New York has petitioned the Town Board of the Town of Lancaster (the "Town") with an application dated March 15, 1999 to amend the Zoning District Map and Zoning Ordinance of the Town to rezone approximately 36 acres of land located at the northeast corner of Transit and William Street in the Town of Lancaster, County of Erie and State of New York which hereinafter shall be referred to as the "Property", and

WHEREAS, the westerly (approximately) 15 acres of the Property is currently zoned as CMS-Commercial and Motor Service District and the easterly (approximately) 21.37 acres of the Property is currently zoned as R-1 Residential District One, and

WHEREAS, such application is to amend the Town's Zoning District Map and Zoning Ordinance to rezone the Property to GB-General Business District which hereinafter shall be referred to as the "Action", and

WHEREAS, the Town's Municipal Review Committee, after its initial review of the full environmental assessment form, as submitted in connection with such application, issued a negative declaration pursuant to the requirements of the State Environmental Quality Review Act and the regulations issued by the New York State Department of Environmental Conservation applicable thereto at 6 NYCRR Part 617 *et seq.* (Collectively referred to as "SEQRA"), and

WHEREAS, the Town Board conducted a public hearing on the proposed rezone of the Property on June 7, 1999, and

WHEREAS, thereafter, the Town's Municipal Review Committee upon further consideration of the potential environmental impacts of the Action, in accordance with the SEQRA determined to reopen the SEQRA proceedings with respect to the Action and determined to substitute therefor a positive declaration in accordance with the provisions of the SEQRA, at its meeting held July 19, 1999, and

WHEREAS, the Town's Municipal Review Committee, the Applicant, and other involved and interested parties undertook scoping sessions with respect to the Action and thereafter the Applicant prepared draft environmental impact statement ("DEIS") dated November 8, 1999, and such DEIS was submitted to the Town's Municipal Review Committee and the Town Board, acting as a lead agency, and

WHEREAS, the Town's Municipal Review Committee agreed to accept such DEIS as complete and in accordance with the SEQRA on November 15, 1999, and

WHEREAS, the Town's Municipal Review Committee undertook a full and thorough review of the DEIS and has received comments from the public, together with a public hearing which was conducted on December 8, 1999 in the Lancaster Senior Citizens Center located at 100 Oxford Avenue, Lancaster, New York which afforded the public with an opportunity to be heard with respect to the Action, and

WHEREAS, after a full and thorough review of the DEIS, comments submitted at the above-referenced public hearing on December 8, 1999 and other written comments submitted to the Town Clerk, the Town's Municipal Review Committee has determined that the Action will not have a significant adverse impact on the environment, and

WHEREAS, as a part of the Zoning Ordinance of the Lancaster Town Code, the Town has established a site plan review process at Section 50-43 to control development within allowable zoning districts, and such site plan review process will afford a full and thorough opportunity to control the actual development of the Property, and

WHEREAS, NEC Transit William LLC has indicated in the DEIS and at the SEQRA public hearing held December 8, 1999 that it is willing and able to establish a 105 foot buffer consisting of berms, trees and other natural vegetation along the east line of the Property to effectively separate different land uses, and

WHEREAS, the Town's Draft Comprehensive Plan dated June, 1995, prepared for the Town by Saratoga Associates recognized the need to establish a "Transit Road Regional Commercial Corridor" to highlight and promote the existing commercial corridor of land use in the Town along Transit Road, which would serve regional needs, and which plan recommended an increase in the depth of existing commercial and business zoning districts beyond 300 feet to accommodate such regional general business needs, and

WHEREAS, the State of New York has recently undertaken a major project to widen Transit Road adjacent west of the Property from two lanes to five lanes (Department of Transportation Project number 511162) to accommodate and promote vehicular traffic and commercial and business development along Transit Road, and

WHEREAS, such widening of Transit Road between Broadway and French Road as a regional corridor for commercial and business development has been supported by the Town of Lancaster, Village of Lancaster, Town of Cheektowaga, Town of West Seneca and Village of Depew, and

WHEREAS, the Town of Lancaster, Village of Lancaster and Village of Depew have undertaken development of A Comprehensive Plan dated September 1999, with professional planners: Peter J. Smith & Company, Inc., and the Saratoga Associates, which among other things, recommends that the Town of Lancaster update its zoning ordinance and zoning map to include designation of Transit Road as a regional commercial route with adequate depth along such corridor for appropriate commercial and business development able to serve regional needs, and

WHEREAS, the other parcels of land across from the Property, to wit: the northwest, southeast, and southwest corners of the intersection of Transit Road and William Street are all zoned for commercial and business use, and

WHEREAS, the Applicant has no objection to the easterly sixty feet of the Property, within such one hundred five foot buffer area, remaining zoned R-1- Residential District One, and

WHEREAS, the Action or proposed change to the Town's Zoning Ordinance and the Town's Zoning District Map shall be to rezone approximately 33.63 acres to GB- General Business District and keep the easterly sixty feet of the Property zoned R-1- Residential District One, as a buffer between the GB - General Business District and the MFR - Multifamily Residential District adjacent east of the Property, and

WHEREAS, the Town Municipal Review Committee has, through the SEQRA the 33.63 acres of land more particularly described in Schedule A, attached hereto and made a part hereof, and incorporates its analysis and findings in this resolution and recommends to the Town Board the adoption of such negative declaration, and requests the Town Attorney to file this resolution with all appropriate and involved agencies in accordance with the requirements of SEQRA.

WHEREAS, the rezone of the property is consistent with and in furtherance if the intent and objectives of the Town's Comprehensive Plan for land use and the Town's Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That amendment of the Zoning Ordinance and Zoning District Map of the Town of Lancaster with respect to the approximate 33.63 acres of land, more particularly described on Schedule A, and a sketch of which is shown on Schedule B, both attached and made apart hereof, from CMS, Commercial and Motor Services and R1, Residential District One to a GB, General Business District will not result in a significant and adverse impact on the environment.

2. That any appropriate mitigation measures proposed by NEC Transit William LLC or other interested and involved persons should be reviewed and established in connection with the Site Plan Review process required by the Town's Zoning Ordinance.

3. The Town's Municipal Review Committee has reviewed and hereby adopts the attached negative declaration and all of its supporting documentation with respect to the rezoning of the the 33.63 acres of land more particularly described in Schedule A, attached hereto and made a part hereof, and incorporates its analysis and findings in this resolution and recommends to the Town Board the adoption of such negative declaration, and requests the Town Attorney to file this resolution with all appropriate and involved agencies in accordance with the requirements of SEQRA.

4. This Resolution shall take effect immediately.

5. The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted a s follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER CONNELLY	VOTED NO
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED NO
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	VOTED NO
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN MARRANO	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	VOTED NO

The Notice of Determination was thereupon unanimously adopted.

December 20, 1999

SCHEDULE A

**DESCRIPTION OF PROPERTY TO BE RE-ZONED GB - GENERAL
BUSINESS DISTRICT LOCATED ON TRANSIT ROAD
NORTH OF WILLIAM STREET
LANCASTER, NEW YORK**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie, State of New York, being part of Lot 94, Township 10, Range 6 of the Buffalo Creek Indian Reservation and more particularly described as follows:

COMMENCING at a point in the centerline of William Street with the intersection of the original centerline of Transit Road; Thence East along the centerline of William Street, a distance of 355.75 feet to a point; Thence North a distance of 40.01 feet to the **POINT OF BEGINNING**.

Thence North, a distance of 316.25 feet to a point;

Thence West, a distance of 324.34 feet to a point;

Thence North, along the easterly line of Transit Road, a distance of 141.63 feet to a point;

Thence West, a distance of 5.5 feet to a point;

Thence North, along the easterly line of Transit Road, a distance of 839.25 feet to a point;

Thence East, a distance of 572.70 feet to a point;

Thence North, parallel with the original centerline of Transit Road, a distance of 578.03 feet to a point;

Thence East, along the north line of Lot 94, a distance of 434.34 feet to a point;

Thence South, parallel with said centerline of Transit Road, a distance of 1879.58 feet to a point;

Thence West, along the north line of William Street (being 50 feet wide), a distance of 434.49 feet to a point;

Thence North, a distance of 15.00 feet to a point;

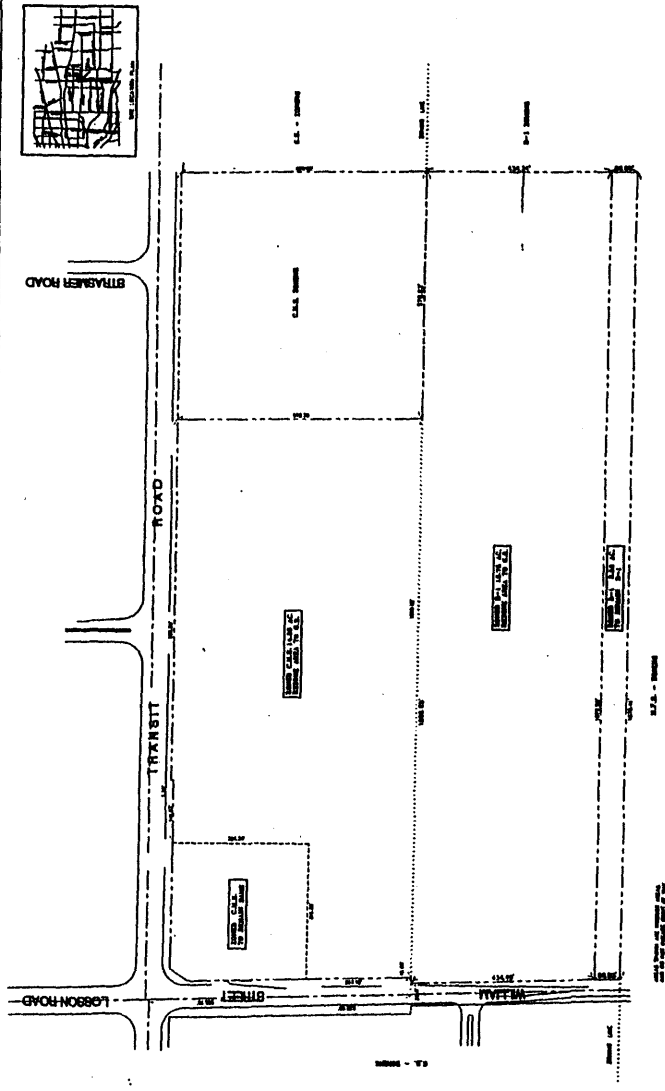
Thence West, along the north line of William Street (being eighty feet wide), a distance of 267.15 feet to **THE POINT AND PLACE OF BEGINNING**.

Containing 33.63 +/- acres of land.

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SCHEDULE B



SECOND PLAN
 14 E. CHURCH ROAD NO. 2 WILLIAM ST.
 MANHATTAN NEW YORK

STATE ENVIRONMENTAL QUALITY REVIEW
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the NYS Environmental Conservation Law.

Date:

TO: Commissioner - NYSDEC, Albany
NYSDEC - Region 9
Supervisor Robert Glza, Town of Lancaster
Erie County - DPW
Erie County - DEP, Planning
NYSDOT

Lead Agency:	Town of Lancaster
Name of Action:	NEC Transit/William LLC Rezone
SEQR Status:	Type 1
Conditioned Negative Declaration:	No
Description of Action:	Rezone approximately 15 acres from CMS to GB and rezone of approximately 21 acres from R-1 to GB for a total of 36 acres to be rezoned at the northeastern quadrant of the intersection of Transit Road and William Street.
Location:	The location of action is the NE intersection of Transit Road and William Street in the Town of Lancaster, County of Erie and the State of New York.

SEQR PROCESS

The Town Board and the Town's Municipal Review Committee has determined that the proposal is a Type 1 Action under 6 NYCRR Part 617 - State Environmental Quality Review (SEQR). A Coordinated Review began in May 1999 with the Town Board acting as Lead Agency. On July 19, 1999, a Determination of Significance was made by the Town Board rescinding the earlier Negative Declaration and adopting a Positive Declaration. The draft scoping document was prepared by NEC Transit William, LLC, and submitted to the Town on July 23, 1999. The Town of Lancaster issued a final scope on September 21, 1999.

An Applicant-prepared Draft Environmental Impact Statement was accepted as complete on November 15, 1999 and filed beginning a public review period in accordance with SEQR. On December 8, 1999 a public hearing was held to solicit comments. The public comment period closed on December 20, 1999 at 12:00 P.M.

Reasons for Supporting this Determination:

The State Environmental Quality Review (SEQR) Act and implementing regulations adopted by the NYSDEC as Part 617 of 6 NYCRR is used to ensure that future developments take place in a manner which does not significantly detract from the quality of the environment. More specifically, it is stated that:

The basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision making processes of state, regional, and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund, or approve may have a significant impact on the environment, and if it is determined that the action may have a significant adverse impact, prepare or request an environmental impact statement.¹

¹ 6 NYCRR Part 617, *State Environmental Quality Review*, §617.1(c). Adopted September 20, 1995

It is according to this mandate that the following information is supplied which supports the decision that the proposed NEC Rezoning on 36V acres of land on Transit Road at William Street in the Town of Lancaster, Erie County, New York will not have a significant adverse impact on the environment.

Upon careful consideration of the issues and potential environmental impacts that have been identified during scoping and during the public review period of the Draft Environmental Impact Statement, the Town of Lancaster has determined that the adverse environmental impacts identified will not be significant.² Therefore, the information collected during the development of the Draft Environmental Impact Statement, during the public comment period, and at the public hearing was used as the basis for this determination.

The Town of Lancaster has considered several social and economic issues in the development of this decision pursuant to the state's intention that environmental factors not be the sole consideration in decision making.³ The issue of the potential economic impact on the Village of Lancaster was voiced during the public hearing. After careful consideration, it is believed that the difference in scale and business type from that which would locate in the Village is in keeping with the planned future development trends of both communities. The claim that shoppers will be attracted from the Village by the potential future development of the subject property is not supported by evidence and is not logical to the Town.

Several complaints were voiced at the public hearing concerning the impact the rezoning of the property may have on the residential setting of their homes. NEC Transit William LLC has indicated in the DEIS and at the SEQRA public hearing on December 8, 1999, that they are willing and able to establish a 105 foot buffer area in which existing older woods directly adjacent and west of the residential properties on Northwood would be preserved in perpetuity by the application of a conservation easement for the area. The 105 foot buffer area will also be landscaped and contain a berm to screen headlights and attenuate noise.

The proposed buffer and preservation areas will serve as a permanent transition between the existing multi-family residential use and the proposed commercial development of the property.

Concerns were raised at the public hearing regarding the Town's general Master Plan or comprehensive thinking for this area and the rezoning's relationship in that regard. The Town's Draft Comprehensive Plan dated June 1995, prepared for the Town by Saratoga Associates, recognized the need to establish a "Transit Road Regional Commercial Corridor" to highlight and promote the existing commercial corridor of land use in the Town along Transit Road, which would serve regional needs, and which plan recommended an increase in the depth of existing commercial and business zoning districts beyond 300 feet to accommodate such regional general business needs.

In addition, the Town of Lancaster, Village of Lancaster, and the Village of Depew have undertaken the development of a comprehensive plan dated September 1999, with Professional Planners, Peter J. Smith & Company, Inc. and Saratoga Associates, which among other things, recommends that the Town of Lancaster update its zoning ordinance and zoning map to include designation of Transit Road as a regional commercial route with adequate depth along such corridor for appropriate commercial and business development able to serve regional needs.

Further, all three remaining sectors northwest, southwest and southeast of the subject intersection of Transit Road and William Street are currently zoned for commercial and business use and have developed consistent with those zoning designations.

To strengthen the long-term protection of the area from potential encroachment of uses potentially incompatible to a residential setting, a 60 foot strip of land along the property's eastern boundary will not be considered for rezoning to General Business.

The format of the remaining portion of this determination of non-significance will directly follow the organization of §617.7(c) *Criteria for Determining Significance*, of SEQRA.⁴ Actions having the characteristics outlined in Sections 617.7(c)(1) through 617.7(3) are deemed to have the potential for a significant adverse impact on the environment. The project impacts are discussed under each environmental characteristic.

² 6 NYCRR 617.7(2)

³ 6 NYCRR 617.1(d)

⁴ *Id.* 6 NYCRR. §§617.7(c)(1) to 617.7(3)

(i) AIR QUALITY

Sources of emissions from a proposed development would be associated with traffic traveling to and from the site. It is expected that air pollution levels will not increase significantly due to any proposed development for two reasons. First, ambient air quality is relatively good with regard to the contaminants measured at the Buffalo area continuous monitoring stations. Secondly, emissions directly resulting from proposed development would be imperceptibly different than those air emissions currently occurring in the immediate vicinity of this intersection.

(ii) GROUND WATER

The development of the site will involve the construction of buildings and parking fields on controlled fill and stone base material. For practical reasons, existing site grades will be matched in as closely as possible to avoid excessive cuts or fills. Generally, pre-development and post-development subsurface drainage patterns will be maintained with flow from east to west.

(iii) **SURFACE WATER**

Conceptual plans and supporting calculations depict a detention basin with a volume of approximately 4.0 acre feet. The proposed plan also depicts a stilling basin within the detention basin as part of a stormwater management and treatment system.

The proposed development site slopes westward to Transit Road where an existing stormwater network is in place. Managed and treated stormwater will discharge to the NYSDOT's existing pipe system along the Transit Road right-of-way at a rate and location(s) approved by NYSDOT.

(iv) **TRAFFIC LEVELS**

The potential future use of the property if rezoned was analyzed in terms of traffic impacts from a conceptual proposal to build on the property. A detailed study of potential full build out was performed including theoretical out parcel and periphery development. The study concluded that the traffic impacts could be reduced by the addition of new turning lanes at Transit Road, at William Street and Losson Road, signal improvements at the above intersections and at the proposed main entrance at the current Wegmans driveway location, and geometric improvements including a new travel and turning lane adjacent to the development on William Street.

The NYSDOT and ECDPW have been reviewing and offering comments on the proposed development's projected traffic and improvements proposed on the adjacent streets to accommodate potential increases in traffic volume. At this time the NYSDOT has indicated that access to the site is allowable and that mitigation will be required to maintain the existing level of service. The ECDPW has also indicated that access to William Street will be allowed and anticipate that issues relative to access will be resolved to their satisfaction.

The State of New York has recently undertaken a major project to widen Transit Road adjacent west of the property from two lanes to five lanes (NYSDOT Project #511162) to accommodate and manage vehicular traffic and commercial and business development along Transit Road. The widening of Transit Road between Broadway and French Road as a regional corridor for commercial and business development has been supported by the Town of Lancaster, Village of Lancaster, Town of Cheektowaga, Town of West Seneca, and Village of Depew.

(v) NOISE LEVELS

The development of the site will not have a significant negative impact on the surrounding area with regard to noise levels for several reasons. Typically, noise levels produced by the type of development are relatively low. The operation of the commercial and/or retail businesses that may develop on the property conduct the primary portion of their business indoors. When outside operations are proposed the type of activity such as outdoor shopping and checkout service, a drive through or possible restaurant seating is not a significant noise generator.

Traffic related noise being produced by cars moving around the parking lots will be effectively attenuated by positioning the building between noise sensitive receptors and the parking lot. In addition, traffic noise from Transit Road will also be attenuated by the building placement. Delivery or pick-up vehicles requiring access to the rear or east side of the building will be in an area between a landscaped berm and the building to attenuate noise associated with the activity. In addition to the landscaped berm, vegetated distance buffering will be provided to further reduce noise effect on surrounding residential property.

Given the sensitivity of this issue, the conceptual plan for the development of the property was further studied in terms of potential noise impacts. Mr. John J. Earshen of Angevine Acoustical Consultants, Inc. studied a development's noise generation similar to the concept plan for the site, as well as the following site specific noise issues:

1. General vehicle traffic along Transit Road and William Street.
2. Delivery trucks, especially those that may operate behind or east of the building.
3. Lawn maintenance activity.
4. Rooftop heating and air conditioning equipment.
5. Snow clearing operations.

The detailed study supports earlier conclusions that noise levels from the future development of the property for business will not be significantly adverse. Projected minor increases in noise may be further limited or reduced by the use of low or no maintenance planting in the landscaped areas east of the building. The potential for further limiting noise at the site will be subject to future review by the Town during the site plan application process.

In addition to the landscaping, during site plan review consideration will be given to the limiting of operations such as snow plowing on the east side of the building during noise sensitive hours. Although the generation of any additional noise from the site was found to be insignificant, the Town recognizes that this quality of life issue should receive serious attention when plans are proposed for this area to be rezoned. Through careful review and attention by the Town's Planning Board and Engineering Department, efforts will be made to reduce possible noise from the site.

(vi) SOLID WASTE PRODUCTION

The proposed conceptual development of the site originally estimated solid waste production rates of nearly 1,000 tons per month. Subsequent consideration of the matter has estimated that these

rates will be much lower than originally thought. It is estimated that one to two dumpsters of solid waste may be produced per week from a large retail business. In addition, smaller businesses on site are expected to produce average rates of solid waste generation. In accordance with good solid waste management practices future businesses are expected to implement recycling programs for the reduction of solid waste. Licensed waste haulers will be contracted with and arrangements for disposal will be made with a solid waste facility.

(vii) **POTENTIAL FOR EROSION, FLOODING, LEACHING OR DRAINAGE**

As the site develops, temporary measures will be utilized during construction to control sediment and the potential for erosion. The Town's standard procedures will include the installation of silt fence, hay bales, and a construction sediment basin. In addition, inlet protection around stormwater receivers will be utilized to control sediment entry to the existing drainage network, and efforts to control sediment as close to potential sources will be made and monitored. A Stormwater Pollution Prevention Plan will be prepared in accordance with the SPDES program's general guidelines to reduce the potential for pollution, erosion, and flooding.

§617.7(c)(1)(ii)

the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

(i) **LAND CLEARING**

The majority of the undeveloped portion of the site supports a successional woodlot plant community. A large portion of the eastern part of the site is mature forest. The remainder of the site supports successional old field and shrubland plant communities. An approximately 100-foot wide strip of woodland would be left undeveloped along the east property boundary. The remainder of the undeveloped portion of the site would likely be cleared by development of the property.

Although the amount of vegetation being removed from the site would be significant, the overall impact to natural resources in the area would not be adverse. Successional woody and herbaceous plant communities have become increasingly more common in the area as more and more farmland has been abandoned. Aerial photography from 1978 indicates that much of the site, especially to the south and west, was cleared for agriculture.

The site has been encroached by development on three sides. A substantial portion of the southwestern portion of the site has been disturbed. The much larger woodlot north of the site would be left intact. This woodlot would be expected to harbor a larger and more diverse plant and animal community because of the larger, broader area of woodlot habitat and less peripheral development. Due to smaller size and closer proximity to human activity, the site likely provides suitable habitat for only a few wildlife species including gray squirrel, opossum, raccoon, meadow vole, mole, screw and bat. Deer and fox may occasionally seek food and cover in the area. Several bird species may be permanent residents or nest on the site. Most birds utilizing the site would be transient.

Wildlife species inhabiting or moving through the site are very common in the western New York area. These species are all opportunistic and would be expected to move into similar habitats in the area during site development. Many of these species would still utilize the strip of woodland left undeveloped for cover and feeding, and as a movement corridor. Professional biologists have conducted field reviews of the site and found no unusual or unique habitat that would suggest potential for rare, threatened or endangered species to be present at the site.

Scattered wetland areas totaling approximately 3.73 acres have been identified on the site. The larger of the wetlands is wooded; shrubs and saplings dominate the smaller wetlands. The proposed project would result in the filling of these wetlands. The wetlands affected would not be classified as rare, unusual or otherwise significant. The species composition of these wetland areas is common and typical of the western New York region.

The U.S. Army Corps of Engineers (Corps) has preliminarily agreed to allow for the mitigation of the lost wetlands off site although have disagreed with the limits of wetlands shown on mapping provided by Earth Dimensions, Inc. in 1994 with revisions through 1999. To reconcile the matter a professional wetland scientist from Nussbaumer & Clarke, Inc. field reviewed the property and concluded that the area of federally-regulated wetland on site is approximately 3.73 acres versus the 2.0 acres depicted on the Earth Dimensions, Inc. mapping. Section 404 b.1 of the Clean Water Act requires that the Corps consider, in sequence, avoidance and minimization of wetland loss before

considering mitigation as compensation for impacts to wetlands. Federal regulations also require that alternatives to the filling of federally-regulated wetlands also be considered before any decision to approve the fill or mitigation plan takes place. The minimum size requirements for the project have been shown to preclude avoiding or minimizing wetland loss on the site. There are no areas suitable for on site mitigation. The agreement to leave a 100-foot strip of woodland undeveloped along the east property boundary has further reduced the acreage available for development.

The Corps would likely require a greater than 1:1 ratio of created wetlands for each acre of wetland impacted on the site. This would represent a net increase in wetlands. As the site wetlands lost to development are common in the area, mitigation could be used as an opportunity to create a less common type of wetland plant community such as an emergent marsh or wet meadow. Controlled plantings would favor development of wetland areas with a broad and varied species diversity. The success rate for creating these types of wetlands is generally high.

Based on substantial experience with similar wetland mitigation projects, it is anticipated that the USACOE will consider mitigation an appropriate solution for wetland filling at the site. If the USACOE rejects the mitigation proposal, selective development of the property could be proposed in conjunction with the utilization of the Nationwide Permit Program. Nationwide Permit Number 26 was extended on December 15, 1999 to April of 2000 which could allow up to 1/3 acre of fill automatically.

§617.7(c)(1)(III) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;

CRITICAL ENVIRONMENTAL AREAS

This project is not situated in or substantially contiguous to a locally designated critical environmental area and no impact will occur.

§617.7(c)(1)(IV) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

CONSISTENCY WITH COMPREHENSIVE PLAN

The proposed rezoning was found to be consistent with the Master Plan for the Town of Lancaster including the Draft Comprehensive Plans of 1995 and 1999 currently under review. The area proposed for rezoning is situated within a regional commercial corridor with supporting infrastructure to permit future development plans.

§617.7(c)(1)(V) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

Detailed cultural resource investigations have been conducted on the 30 acres directly west of the site and on 36 acres directly south of the site in very close proximity to the site. Eighteen prehistoric archeological sites and three historic archeological sites were located within a 2.0 mile radius of the project areas. The nearest site was located in Cheektowaga over 3,000 feet west of the property proposed for rezoning.

The sensitivity of the site is moderated by historic impacts associated with farming operations, construction of homes and buildings, general site disturbance from clearing and grading, the presence of poorly drained soils and low topographic relief of much of the site.

Structures in the area consist of a mix of commercial and residential uses. Most of the structures in the vicinity of the proposed rezoning were constructed in the last 40 years, and preliminarily a qualified historian has determined that the structures in the project vicinity are not eligible for listing on the State or National Registers of Historic Places. The proposed rezoning and future development of the property for commercial or business uses is considered consistent with existing adjacent uses and will not contrast sharply with the surrounding properties.

The existing residential development to the east will be screened from the commercial development of the property by the preservation of a heavily wooded strip of property in perpetuity by the use of a conservation easement, thereby maintaining aesthetic resources and community character for the residents.

§617.7(c)(1)(vi)

a major change in the use of either the quantity or type of energy;

ENERGY USE

Undergoing construction of future commercial or businesses at the site would demand the use of fossil fuels to power construction equipment. A detailed and efficient construction schedule would be designed to expediate completion of facilities and thereby minimize energy use. Construction equipment will be maintained to ensure full efficiency. Providing commercial options for the public may reduce trip lengths or efficiency for stops in daily travel patterns potentially saving fuel and energy resources.

§617.7(c)(1)(vii)

the creation of a hazard to human health;

HUMAN HEALTH

No tangible effect on human health can reasonably be related to the proposed rezoning or future commercial use of the property.

§617.7(c)(1)(viii)

a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

The property's current use is primarily vacant, then commercial and residential. No effect on agricultural, open space, or recreational resources will occur or to the property to support existing uses. The existing uses on the property have been abandoned and existing structures are proposed for demolition.

§617.7(c)(1)(ix)

the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

The proposed commercial use of the property is expected to attract people to the site for short periods of time while conducting normal and typical business at commercial or retail establishments.

POPULATION

§617.7(c)(1)(x)

the creation of a material demand for other actions that would result in one of the above consequences;

The proposed rezoning and subsequent commercial development of the property is expected to have no material demand associated with any effect analyzed. A moderately beneficial impact will occur by the increased value in taxable property without a corresponding demand on community services.

DEMAND FOR MATERIALS

changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

The only potential for cumulative impact from the proposed development could be associated with the controlling of stormwater discharges relative to downstream effects. It is presently believed that the NYSDOT will require that no increase in stormwater will be allowed to discharge to their system. Future plans associated with the development of the site must be sensitive to system limitations and will be subject to the approval of the NYSDOT. The concept plan for the development of the site shows that adequate area has been considered to manage and treat stormwater in compliance with local and state standards.

two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The only related actions potentially resulting in cumulative effects would be plans for a service station at the corner of Transit Road and William Street that have been reviewed and approved by the Town of Lancaster. The cumulative effect of this development has been considered during the traffic analysis and subsequent review by NYSDOT. The Town is aware that inter parcel connectors will have to be considered for any development on the property proposed for rezoning and coordination will be undertaken by the Town during the plan review process.

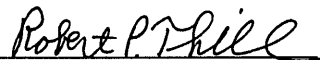
Contact Person: Richard J. Sherwood, Esq.
Lancaster Town Attorney
21 Central Avenue
Lancaster, NY 14086

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Page 8

ADJOURNMENT:

ON MOTION DULY MADE, SECONDED AND CARRIED, this
meeting was adjourned at 7:45 P.M.


Robert P. Thill, Town Clerk

File: seqr transit william

Town Board Minutes

**Meeting
No. 40**

Regular Meeting

December 20, 1999

Town Board Minutes

December 20, 1999

Meeting No. 40

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 20th day of December, 1999 at 8:00 P.M. and there were

PRESENT: NEIL CONNELLY, COUNCIL MEMBER
WILLIAM MARYNIEWSKI, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
JOHANNA COLEMAN, RECEIVER OF TAXES
THOMAS FOWLER, CHIEF OF POLICE
CHRISTINE FUSCO, ASSESSOR
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matters:

- Requested further public hearings on the proposed master plan.
- Questioned a letter on the agenda from Stanley Keysa relative to reviewing appointments to the Master Plan Committee.

Brett, James, 659 Harris Hill Road, spoke to the Town Board on the following matter:

- Suggested that more information be given on the principals involved in an application for a variance before the Zoning Board of Appeals or an application for tax relief before the Lancaster Industrial Development Agency.

Burry, Richard, 6351 Broadway, spoke to the Town Board on the following matter:

- Complained that a court order mandating the cessation of truck terminal operations on property adjacent to his home is not being obeyed.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- Asked questions about prefiled resolution number 8.
- Suggested that democratic party political signs be removed from the Rite Aid premises on Central Avenue and Conservative party candidates be removed from a billboard on Genesee Street.
- Informed the board that conditions need to be enforced on a dumping permit for property on the west side of Bowen Road just south of Broadway.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the minutes from the Joint Meetings of the Planning Board and the Town Board held on December 6, 1999 and December 8, 1999 and the Regular Meeting of the Town Board held December 6, 1999 be and are hereby approved with the following correction:

Joint meeting of the Planning Board and the Town Board held December 8, 1999 to record the presence of Planning Board Member De Carlo.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 1999

File: RMIN (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by
letter dated December 7, 1999 has requested the addition of one probationary active member to
the membership roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby
confirms the following addition to the membership of the Bowmansville Volunteer Fire
Association:

ADDITION - Probationary Active Member:

James S. Ward
376 Seneca Place
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 1999

File: RFIRE (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK, TO WIT:

WHEREAS, it is necessary to make various transfers within the 1999 budget
accounts of the Town of Lancaster at the close of Town business on December 31, 1999,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and hereby is
authorized and directed to make such transfers to all over-expended accounts from available
funds in the 1999 Budget, including unappropriated fund balances, upon the close of Town
business on December 31, 1999.

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 1999

File: RACCTAN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

WHEREAS, the New York State Department of Transportation (DOT) has notified the Town of Lancaster that the DOT has rendered a favorable decision to the request by the Lancaster Central School District (District) to grant exempt status to the railroad grade crossing on the Walden Industrial Line at (1) Harris Hill Road and (2) Transit Road, and

WHEREAS, the DOT has now informed the Town that the District has asked to include the Maple Drive crossing in the exempt orders and that since this is a Town highway the request for exemption must come from the Town of Lancaster, and

WHEREAS, DOT has, by letter dated October 27, 1999 advised the Town Supervisor that it knows of no reason not to include the Maple Drive crossing in the exempt orders, and

WHEREAS, the Town Board, after due review and consideration of the request of the Lancaster Central School District and believes it to be in the public interest to make a formal request to DOT to include the Maple Drive crossing in the exempt orders;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to forward a formal request to Richard E. Pratt, P.E., Assistant Regional Traffic Engineer at the New York State Department of Transportation, 125 Main Street, Buffalo, New York 14203, asking that the Maple Drive rail crossing be granted exempt status, and

2. That the Town Clerk is hereby directed to forward a certified copy of this resolution to Mr. James Reitmeier, Transportation Supervisor, Lancaster Central School District, 295 Pleasant View Drive, Lancaster, New York 14086.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 1999

File: rdot.d99

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

WHEREAS, the Western New York Region Section VI Girls High School Softball has requested the use of Walden Pond Park for playoff and championship games on June 3, 2000 and June 6, 2000, providing insurance coverage for the event, and

WHEREAS, the Town Board of the Town of Lancaster has reviewed the request and deems it a benefit to the community to have the Section VI Girls High School Softball championship at the Walden Pond Park;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby authorizes Section VI Girls High School Softball to use Walden Pond Park June 3, 2000 and June 6, 2000.

2. Section VI shall provide insurance coverage for the event naming Town of Lancaster as additional insured; and

3. Section VI has permission to request a donation from those attending.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 1999

File: rplayoff

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster desires to create one
(1) additional Full-Time position of Program Coordinator in the Youth Bureau of the Town of
Lancaster for the newly established Family Support Center, in conjunction with the Lancaster
Central School District with the funding to be provided through various state aid grants.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby
authorized to complete and submit Form PO-17 (New Position Duties Statement) to create one
(1) additional Full-Time position of Program Coordinator in the Youth Bureau of the Town of
Lancaster.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 1999

File: RPERS.CRE

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MARYNIEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of
Lancaster to accept completed Public Improvements within Summerfield Farms Subdivision,
Phase I Part A, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has
recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated December
17, 1999 has reported his favorable review of all necessary deeds, easements and documents
required to be filed for the acceptance of these public improvements,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within
Summerfield Farms Subdivision, Phase I Part A, be and are hereby approved and accepted by
the Town Board of the Town of Lancaster:

P.I.P. No. 500 - Water Line
P.I.P. No. 501 - Storm Sewers
P.I.P. No. 502 - Pavement and Curbs

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 1999

File: RPIP (P31)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town of Lancaster presently holds title to a small parcel adjacent to Enterprise Drive approximately 45 feet wide by 37 feet deep which is used for highway vehicles as a turnaround and also for reservoir snow storage area for snow plowed at the terminus of Enterprise Drive, and

WHEREAS, the adjacent property owner (Depew Development Inc.) is not able to develop his property while the Town owns fee title to this parcel along Enterprise Drive, and has therefore requested that the Town convey the before described 45 feet by 37 feet parcel reserving unto the Town the right to use the area as a turnaround for highway vehicles and also for reservoir for snow storage, and

WHEREAS, the Town Board has given due review and consideration to the request and has determined that the only purpose for the Town taking title originally was to guarantee a turnaround area and, as long as the Town retains the use of the property for those purposes it is not necessary for the Town to own fee title to the parcel which blocks development of this vacant manufacturing area on Enterprise Drive which is an industrial subdivision,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute a deed conveying the beforementioned 45 feet by 37 feet parcel to the adjacent property owner Depew Development Inc, to allow for development of the adjacent parcel which will result in tax revenue to the Town of Lancaster with the deed reserving the right to the Town to use the parcel for turnaround of highway vehicles and for a reservoir snow storage area.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED NO
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 1999

File: turnaround

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR GIZA, WHO MOVED ITS
 ADOPTION, SECONDED BY COUNCIL
 MEMBER MONTOUR, TO WIT:

WHEREAS, upon reviewing the budgetary accounts of the Town of
 Lancaster, the Supervisor has determined the need for various adjustments to the 1999 Adopted
 Budget of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED that the following line item transfers be and are hereby
 approved in the 1999 adopted budget of the Town of Lancaster:

General Fund - Townwide	<u>Decrease</u>	<u>Increase</u>
A1355.100 Assessment, Wages	\$12,000	\$
A1355.210 Assessment, Equipment		4,000
A1355.410 Assessment, Professional Services		8,000
A1440.404 Engineer, Travel & Meal Expense	400	
A1440.210 Engineer, Equipment		400
A1680.426 Central Data Processing, Repairs & Maintenance	125	
A1680.210 Central Data Processing, Equipment		125
A1960.411 Special Items, Bond & Note Issue Expense	6,000	
A1930.411 Special Items, Judgements & Claims		6,000
A7110.407 Parks, Utilities	1,200	
A7110.225 Parks, Trucks & Related		1,200
A7410.411 Lancaster Library, Contractual Services	515	
A7410.210 Lancaster Library, Equipment & Capital Outlay		515
A7410.422 Lancaster Library, Buildings Maintenance	860	
A7411.422 Depew Library, Buildings Maintenance		860
A9050.806 Employee Benefits, Unemployment Expense	225	
A9089.812 Employee Benefits, CDL Contribution		225
A7140.103 Playgrounds, Wages	3,000	
A7180.103 Pool, Wages		3,000
A7180.210 Pool, Equipment & Capital Outlay	6,000	
A7180.426 Pool, Stationary Plant & Equipment		6,000
General Fund - Townwide Totals:	\$30,325	\$30,325

General Fund - Town Outside Villages

B1964.411 Special Items, Cable Franchise Tax Credit	115	
B1970.411 Special Items, Tax Cancellations & Refunds		30
B4020.401 Registrar of Vital Statistics, Office Supplies		85
B1990.411 Contingency Account	17,550	
B3620.100 Building Inspection, Salaried Wages	31,535	
B3620.103 Building Inspection, Wages - Part Time Help		10,370
B3620.115 Building Inspection, Wages - Retirement Sell Backs		36,050
B3620.122 Building Inspection, Wages, Comp/Vacation Sell Backs		2,665
B3670.101 Disaster Preparedness, Wages	500	
B3670.401 Disaster Preparedness, Office Supplies	100	
B3670.403 Disaster Preparedness, Printing & Advertising	185	
B3670.411 Disaster Preparedness, Miscellaneous Contractual	270	
B3670.412 Disaster Preparedness, Education	200	
B3670.426 Disaster Preparedness, Repairs & Maintenance	1,200	
B3670.431 Disaster Preparedness, Gas & Oil	300	
B3670.438 Disaster Preparedness, Public Safety Supplies	605	
B3670.442 Disaster Preparedness, Uniforms	300	
B3670.446 Disaster Preparedness, Photo Supplies	50	
B3670.449 Disaster Preparedness, Unclassified	190	
B3670.245 Disaster Preparedness, Public Safety Equipment		3,900
General Fund - Town Outside Villages Totals:	53,100	53,100

Part Town Highway Fund

DB5130.101 Machinery, Wages	10,000	
DB5140.101 Misc. Brush & Weeds, Wages	65,000	
DB5142.101 Snow Removal, Wages	95,000	
DB5110.101, General Repairs, Wages		170,000
DB9010.801 Employee Benefits, Retirement Expense	380	
DB9045.805 Employee Benefits, Group Term Life Insurance		<u>380</u>
Part Town Highway Fund - Totals	170,380	170,380

Townwide Highway Fund

DA9010.801 Employee Benefits, Retirement Expense	55	
DA9045.805 Employee Benefits, Group Term Life Insurance		<u>55</u>
Townwide Highway Fund - Totals	55	55

Special Districts - Refuse

SR8160.402 Refuse, Postage	3,000	
SR8160.403 Refuse, Printing & Advertising	4,268	
SR8160.413 Refuse, Recycling Supplies	70	
SR8160.449 Refuse, Other Unclassified	520	
SR9901.901 Refuse, Interfund Transfer Out - General Fund	21,000	
SR8160.412 Refuse, Refuse Disposal		<u>28,858</u>
Refuse Totals	28,858	28,858

Special Districts - Street Lighting

SL5182.411 Street Lighting, Electricity Charges	1,505	
SL5182.426 Street Lighting, Repairs & Maintenance		<u>1,505</u>
Street Lighting - Totals	1,505	1,505

Special Districts - Fire Protection Districts

SF3410.411 Fire Protection, Other	8,098	
SF3410.482 Fire Protection, Insurance		6,852
SF3410.483 Fire Protection, Hydrant Repairs		<u>1,246</u>
Fire Protection District - Totals	8,098	8,098

BE IT FURTHER

RESOLVED that the following Budget Amendments be and are hereby approved in the 1999 adopted budget of the Town of Lancaster:

General Fund - Townwide**For the Memorial Garden Grant:**

A510 Estimated Revenues	12,500
A3889 State Aid, Parks & Recreation	12,500
A960 Budget Appropriations	12,500
A7110.470 Memorial Garden Grant related expenditures	12,500

For the Records Management Grant:

A510 Estimated Revenues	11,766
A3060 State Aid for Records Management	11,766
A960 Budget Appropriations	11,766
A1410.103 Town Clerk, Seasonal Wages	1,094
A1460.452 Records Management Grant related contractual expenses	10,672

General Fund - Town Outside Villages

For the Police Dept. ATV Grant:

B510 Estimated Revenues	30,000
B3390 State Aid, Public Safety (ATV Grant)	30,000
B960 Budget Appropriations	30,000
B3120.102 Police, Overtime Wages - (for ATV Training)	2,876
B3120.270 Police, ATV Grant related equipment expenses	27,124

For the Building Inspector's Computer Grant

B510 Estimated Revenues	10,000
B3391 State Aid, Computer Grant for Building Inspection Dept.	10,000
B960 Budget Appropriations	10,000
B3620.210 Building Inspection, Office Equipment	3,100
B3620.410 Building Inspection, Computer Software	6,900

Special Districts - Refuse

SR599 Refuse, Appropriated Fund Balance	200,000
SR960 Refuse, Budget Appropriations	200,000
SR8160.411 Refuse, Refuse Collection	50,000
SR8160.412 Refuse, Refuse Disposal	150,000

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 1999

File: Budget/Budget Transfers 12 20 99

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MARYNIEWSKI, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 12285 to Claim No. 12582 Inclusive

Total amount hereby authorized to be paid: \$802,074.14

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 1999

File: Relains

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MARYNIEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby
approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are
waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	Structure
6507		RJF Development JV	8 Park Walk	Er. Sin. Dwlg
6508		Gurgol, Frank	10 Wendling Ct	Er. Sign Wall
6509		Warunek, Stephen	15 Old Schoolhouse Rd	Er. Shed
6510		Smith, Joyce	36 Glendale Dr	Res. Alteration
6511		APGM Limited Ptnership	6161 Genesee St	Com. Addition
6512		Pazzaglia, Adam	21 Windsor Ridge Dr	Er. Sin. Dwlg
6513		Pleasantview Assic	29 Stone Hedge Dr	Er. Sin. Dwlg
6514		Marrano Marc Equity	20 Summerfield Dr	Er. Sin. Dwlg
6515		Marrano/Marc Equity	386 Seneca Pl	Er. Sin. Dwlg
6516		Marrano/Marc Equity	49 Trentwood Trl	Er. Sin. Dwlg
6517		Hildebrandt, Denise	6 Edward St	Er. Shed
6518		Walnut Creek JT Ventrure	261 Enchanted Forest N	Er. Sin. Dwlg
6519		Hodge, Richard	111 William Kidder Rd	Er. Pole Barn
6520		Lancaster-Rehm Assoc	6375 Transit Rd	Er. Sign Wall
6521		Peterson, Richard	178 Schwartz Rd	Er. Garage
6522		Town of Lancaster IDA	72 Ward Rd	Com. Addition/Alt
6523		Al Randaccio Bldrs	11 Sussex Ln	Er. Sin. Dwlg
6525		Kruse, Fred/Bilski, Donna	1484 Townline Rd	Res. Addition
6526		Transit Wehrle Assoc	6707 Transit Rd	Er. Sign Wall
6527		Walnut Creek JT Venture	263 Enchanted Forest N	Er. Sin. Dwlg
6528		Jasinski, Ronald	121 Pleasant View Dr	Er. Fence
6529		United Refining Inc	5843 Broadway	Er. Sign
6530		Brodzik, Walter	4011 Walden Ave	Com. Addition

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for
sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement
for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 20, 1999

File:Rbldg2

RULE SUSPENSION:

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of a resolution adopting a SEQR Negative Declaration on the NEC Transit William LLC rezone matter. **SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

WHEREAS, NEC Transit William LLC ("the Applicant") with offices at 6495 Transit Road, Bowmansville, New York has petitioned the Town Board of the Town of Lancaster (the "Town") with an application dated March 15, 1999 to amend the Zoning District Map and Zoning Ordinance of the Town to rezone approximately 36 acres of land located at the northeast corner of Transit and William Street in the Town of Lancaster, County of Erie and State of New York which hereinafter shall be referred to as the "Property", and

WHEREAS, the westerly (approximately) 15 acres of the Property is currently zoned as CMS-Commercial and Motor Service District and the easterly (approximately) 21.37 acres of the Property is currently zoned as R-1 Residential District One, and

WHEREAS, such application is to amend the Town's Zoning District Map and Zoning Ordinance to rezone the Property to GB-General Business District which hereinafter shall be referred to as the "Action", and

WHEREAS, the Town's Municipal Review Committee, after its initial review of the full environmental assessment form, as submitted in connection with such application, issued a negative declaration pursuant to the requirements of the State Environmental Quality Review Act and the regulations issued by the New York State Department of Environmental Conservation applicable thereto at 6 NYCRR Part 617 *et seq.* (Collectively referred to as "SEQRA"), and

WHEREAS, the Town Board conducted a public hearing on the proposed rezoning of the Property on June 7, 1999, and

WHEREAS, thereafter, the Town's Municipal Review Committee upon further consideration of the potential environmental impacts of the Action, in accordance with the SEQRA determined to reopen the SEQRA proceedings with respect to the Action and determined to substitute therefor a positive declaration in accordance with the provisions of the SEQRA, at its meeting held July 19, 1999, and

WHEREAS, the Town's Municipal Review Committee, the Applicant, and other involved and interested parties undertook scoping sessions with respect to the Action and thereafter the Applicant prepared draft environmental impact statement ("DEIS") dated November 8, 1999, and such DEIS was submitted to the Town's Municipal Review Committee and the Town Board, acting as a lead agency, and

WHEREAS, the Town's Municipal Review Committee agreed to accept such DEIS as complete and in accordance with the SEQRA on November 15, 1999, and

WHEREAS, the Town's Municipal Review Committee undertook a full and thorough review of the DEIS and has received comments from the public, together with a public hearing which was conducted on December 8, 1999 in the Lancaster Senior Citizens Center located at 100 Oxford Avenue, Lancaster, New York which afforded the public with an opportunity to be heard with respect to the Action, and

WHEREAS, after a full and thorough review of the DEIS, comments submitted at the above-referenced public hearing on December 8, 1999 and other written comments submitted to the Town Clerk, the Town's Municipal Review Committee and the Town Board have determined that the Action will not have a significant adverse impact on the environment, and

WHEREAS, as a part of the Zoning Ordinance of the Lancaster Town Code, the Town has established a site plan review process at Section 50-43 to control development within allowable zoning districts, and such site plan review process will afford a full and thorough opportunity to control the actual development of the Property, and

WHEREAS, NEC Transit William LLC has indicated in the DEIS and at the SEQRA public hearing held December 8, 1999 that it is willing and able to establish a 105 foot buffer consisting of berms, trees and other natural vegetation along the east line of the Property to effectively separate different land uses, and

WHEREAS, the Town's Draft Comprehensive Plan dated June, 1995, prepared for the Town by Saratoga Associates recognized the need to establish a "Transit Road Regional Commercial Corridor" to highlight and promote the existing commercial corridor of land use in the Town along Transit Road, which would serve regional needs, and which plan recommended an increase in the depth of existing commercial and business zoning districts beyond 300 feet to accommodate such regional general business needs, and

WHEREAS, the State of New York has recently undertaken a major project to widen Transit Road adjacent west of the Property from two lanes to five lanes (Department of Transportation Project number 511162) to accommodate and promote vehicular traffic and commercial and business development along Transit Road, and

WHEREAS, such widening of Transit Road between Broadway and French Road as a regional corridor for commercial and business development has been supported by the Town of Lancaster, Village of Lancaster, Town of Cheektowaga, Town of West Seneca and Village of Depew, and

WHEREAS, the Town of Lancaster, Village of Lancaster and Village of Depew have undertaken development of A Comprehensive Plan dated September 1999, with professional planners: Peter J. Smith & Company, Inc., and the Saratoga Associates, which among other things, recommends that the Town of Lancaster update its zoning ordinance and zoning map to include designation of Transit Road as a regional commercial route with adequate depth along such corridor for appropriate commercial and business development able to serve regional needs, and

WHEREAS, the other parcels of land across from the Property, to wit: the northwest, southeast, and southwest corners of the intersection of Transit Road and William Street are all zoned for commercial and business use, and

WHEREAS, the Applicant has no objection to the easterly sixty feet of the Property, within such one hundred five foot buffer area, remaining zoned R-1- Residential District One, and

WHEREAS, the Action or proposed change to the Town's Zoning Ordinance and the Town's Zoning District Map shall be to rezone approximately 33.63 acres to GB- General Business District and keep the easterly sixty feet of the Property zoned R-1-Residential District One, as a buffer between the GB - General Business District and the MFR - Multifamily Residential District adjacent east of the Property, and

WHEREAS, the Town Board has, through the SEQRA process, reviewed relevant areas of environmental concern, thoroughly analyzed them for possible significant adverse impacts, and as described in the attached negative declaration, determined that they will not result in a significant adverse impact on the environment, and

WHEREAS, the rezone of the property is consistent with and in furtherance of the intent and objectives of the Town's Comprehensive Plan for land use and the Town's Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That amendment of the Zoning Ordinance and Zoning District Map of the Town of Lancaster with respect to the approximate 33.63 acres of land, more particularly described on Schedule A, and a sketch of which is shown on Schedule B, both attached and made apart hereof, from CMS-Commercial and Motor Services and Residential District One to a GB-General Business District will not result in a significant and adverse impact on the environment.

2. That any appropriate mitigation measures proposed by NEC Transit William, LLC or other interested and involved persons should be reviewed and established in connection with the Site Plan Review process required by the Town's Zoning Ordinance.

3. The Town Board, as lead agency has reviewed and hereby adopts the attached negative declaration and all of its supporting documentation with respect to the rezoning of the 33.63 acres of land more particularly described in Schedule A, attached hereto and made a part hereof, and incorporates its analysis and findings in this resolution and directs the Town Attorney to file such negative declaration and this resolution with all appropriate and involved agencies in accordance with the requirements of SEQRA.

4. This Resolution shall take effect immediately.

5. The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED NO
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED NO
SUPERVISOR GIZA	VOTED YES

December 20, 1999

SCHEDULE A

**DESCRIPTION OF PROPERTY TO BE RE-ZONED GB - GENERAL
BUSINESS DISTRICT LOCATED ON TRANSIT ROAD
NORTH OF WILLIAM STREET
LANCASTER, NEW YORK**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie, State of New York, being part of Lot 94, Township 10, Range 6 of the Buffalo Creek Indian Reservation and more particularly described as follows:

COMMENCING at a point in the centerline of William Street with the intersection of the original centerline of Transit Road; Thence East along the centerline of William Street, a distance of 355.75 feet to a point; Thence North a distance of 40.01 feet to the POINT OF BEGINNING.

Thence North, a distance of 316.25 feet to a point;

Thence West, a distance of 324.34 feet to a point;

Thence North, along the easterly line of Transit Road, a distance of 141.63 feet to a point;

Thence West, a distance of 5.5 feet to a point;

Thence North, along the easterly line of Transit Road, a distance of 839.25 feet to a point;

Thence East, a distance of 572.70 feet to a point;

Thence North, parallel with the original centerline of Transit Road, a distance of 578.03 feet to a point;

Thence East, along the north line of Lot 94, a distance of 434.34 feet to a point;

Thence South, parallel with said centerline of Transit Road, a distance of 1879.58 feet to a point;

Thence West, along the north line of William Street (being 50 feet wide), a distance of 434.49 feet to a point;

Thence North, a distance of 15.00 feet to a point;

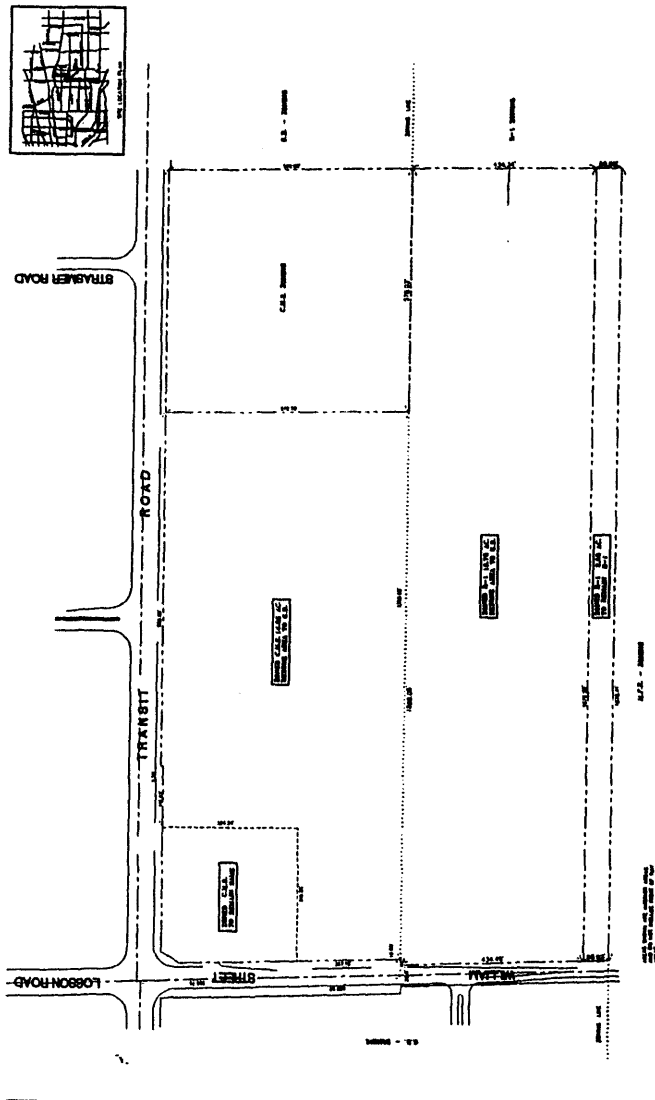
Thence West, along the north line of William Street (being eighty feet wide), a distance of 267.15 feet to THE POINT AND PLACE OF BEGINNING.

Containing 33.63 +/- acres of land.

BULLB0103577111

- 4 -

SCHEDULE B



PROPOSED PLAN
N.E. CORNER TRANSIT RD. & WILLIAM ST.
LANCASTER NEW YORK

STATE ENVIRONMENTAL QUALITY REVIEW
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the NYS Environmental Conservation Law.

Date:

TO: Commissioner - NYSDEC, Albany
NYSDEC - Region 9
Supervisor Robert Giza, Town of Lancaster
Erie County - DPW
Erie County - DEP, Planning
NYSDOT

Lead Agency: Town of Lancaster

Name of Action: NEC Transit/William LLC Rezone

SEQR Status: Type 1

Conditioned Negative Declaration: No

Description of Action: Rezone approximately 15 acres from CMS to GB and rezone of approximately 21 acres from R-1 to GB for a total of 36 acres to be rezoned at the northeastern quadrant of the intersection of Transit Road and William Street.

Location: The location of action is the NE intersection of Transit Road and William Street in the Town of Lancaster, County of Erie and the State of New York.

SEQR PROCESS

The Town Board and the Town's Municipal Review Committee has determined that the proposal is a Type 1 Action under 6 NYCRR Part 617 - State Environmental Quality Review (SEQR). A Coordinated Review began in May 1999 with the Town Board acting as Lead Agency. On July 19, 1999, a Determination of Significance was made by the Town Board rescinding the earlier Negative Declaration and adopting a Positive Declaration. The draft scoping document was prepared by NEC Transit William, LLC. and submitted to the Town on July 23, 1999. The Town of Lancaster issued a final scope on September 21, 1999.

An Applicant-prepared Draft Environmental Impact Statement was accepted as complete on November 15, 1999 and filed beginning a public review period in accordance with SEQR. On December 8, 1999 a public hearing was held to solicit comments. The public comment period closed on December 20, 1999 at 12:00 P.M.

Reasons for Supporting this Determination:

The State Environmental Quality Review (SEQR) Act and implementing regulations adopted by the NYSDEC as Part 617 of 6 NYCRR is used to ensure that future developments take place in a manner which does not significantly detract from the quality of the environment. More specifically, it is stated that:

The basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision making processes of state, regional, and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund, or approve may have a significant impact on the environment, and if it is determined that the action may have a significant adverse impact, prepare or request an environmental impact statement.¹

¹ 6 NYCRR Part 617, *State Environmental Quality Review*, §617.1(c). Adopted September 20, 1995

It is according to this mandate that the following information is supplied which supports the decision that the proposed NEC Rezoning on 36½ acres of land on Transit Road at William Street in the Town of Lancaster, Erie County, New York will not have a significant adverse impact on the environment.

Upon careful consideration of the issues and potential environmental impacts that have been identified during scoping and during the public review period of the Draft Environmental Impact Statement, the Town of Lancaster has determined that the adverse environmental impacts identified will not be significant.² Therefore, the information collected during the development of the Draft Environmental Impact Statement, during the public comment period, and at the public hearing was used as the basis for this determination.

The Town of Lancaster has considered several social and economic issues in the development of this decision pursuant to the state's intention that environmental factors not be the sole consideration in decision making.³ The issue of the potential economic impact on the Village of Lancaster was voiced during the public hearing. After careful consideration, it is believed that the difference in scale and business type from that which would locate in the Village is in keeping with the planned future development trends of both communities. The claim that shoppers will be attracted from the Village by the potential future development of the subject property is not supported by evidence and is not logical to the Town.

Several complaints were voiced at the public hearing concerning the impact the rezoning of the property may have on the residential setting of their homes. NEC Transit William LLC has indicated in the DEIS and at the SEQRA public hearing on December 8, 1999, that they are willing and able to establish a 105 foot buffer area in which existing older woods directly adjacent and west of the residential properties on Northwood would be preserved in perpetuity by the application of a conservation easement for the area. The 105 foot buffer area will also be landscaped and contain a berm to screen headlights and attenuate noise.

The proposed buffer and preservation areas will serve as a permanent transition between the existing multi-family residential use and the proposed commercial development of the property.

Concerns were raised at the public hearing regarding the Town's general Master Plan or comprehensive thinking for this area and the rezoning's relationship in that regard. The Town's Draft Comprehensive Plan dated June 1995, prepared for the Town by Saratoga Associates, recognized the need to establish a "Transit Road Regional Commercial Corridor" to highlight and promote the existing commercial corridor of land use in the Town along Transit Road, which would serve regional needs, and which plan recommended an increase in the depth of existing commercial and business zoning districts beyond 300 feet to accommodate such regional general business needs.

In addition, the Town of Lancaster, Village of Lancaster, and the Village of Depew have undertaken the development of a comprehensive plan dated September 1999, with Professional Planners, Peter J. Smith & Company, Inc. and Saratoga Associates, which among other things, recommends that the Town of Lancaster update its zoning ordinance and zoning map to include designation of Transit Road as a regional commercial route with adequate depth along such corridor for appropriate commercial and business development able to serve regional needs.

Further, all three remaining sectors northwest, southwest and southeast of the subject intersection of Transit Road and William Street are currently zoned for commercial and business use and have developed consistent with those zoning designations.

To strengthen the long-term protection of the area from potential encroachment of uses potentially incompatible to a residential setting, a 60 foot strip of land along the property's eastern boundary will not be considered for rezoning to General Business.

The format of the remaining portion of this determination of non-significance will directly follow the organization of §617.7(c) *Criteria for Determining Significance*, of SEQRA.⁴ Actions having the characteristics outlined in Sections 617.7(c)(1) through 617.7(3) are deemed to have the potential for a significant adverse impact on the environment. The project impacts are discussed under each environmental characteristic.

² 6 NYCRR 617.7(2)

³ 6 NYCRR 617.1(d)

⁴ *Id.* 6 NYCRR. §§617.7(c)(1) to 617.7(3)

§617.7(c)(1)(i)

a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

(i) AIR QUALITY

The air quality at the subject property was determined to be very good based upon information available for the area. Contaminants at the Department of Environmental Conservation's (DEC) Division of Air Resources continuous air quality monitoring stations throughout the Buffalo area were assumed to be equivalent to concentrations at the site. Air quality at the monitoring station was well within specified levels of Sulphur Dioxide, Total Suspended and Inhalable Particulate Matter, and Ozone.

Sources of emissions from a proposed development would be associated with traffic traveling to and from the site. It is expected that air pollution levels will not increase significantly due to any proposed development for two reasons. First, ambient air quality is relatively good with regard to the contaminants measured at the Buffalo area continuous monitoring stations. Secondly, emissions directly resulting from proposed development would be imperceptibly different than those air emissions currently occurring in the immediate vicinity of this intersection.

One aspect of the air quality that was suggested to have the potential for an adverse impact is fugitive dust related to construction activities at the site. In order to reduce potential problems, the Town Engineering Department will insist that plans will include fugitive dust controls such as road sweeping and watering of areas being traveled by construction vehicles. Additionally, an area of approximately 100 feet will be maintained between the adjacent residential development and the project site which contains mature trees and understory. This vegetated buffer will also intercept dust during construction and after development at the site. The primary source of potential air contamination will be from motor vehicles which have specified emission levels set by the U.S. Government to maintain good air quality.

(ii) GROUND WATER

Any proposed development will utilize a system of gravity sewers to convey wastewater to an adequate treatment facility. This will result in no potential for an adverse impact on the local ground water supply.

The development of the site will involve the construction of buildings and parking fields on controlled fill and stone base material. For practical reasons, existing site grades will be matched in as closely as possible to avoid excessive cuts or fills. Generally, pre-development and post-development subsurface drainage patterns will be maintained with flow from east to west.

The compressed subgrades and closed drainage systems for stormwater and wastewater will have little to no influence on groundwater levels beyond the development site. This fact has been demonstrated throughout the immediate area by development projects of similar scale and construction.

(iii) SURFACE WATER

A comprehensive stormwater management plan will be developed for any proposed development. This plan will utilize detention ponds, storm sewers, and other appropriate stormwater management techniques as deemed appropriate by project engineers.

Conceptual plans and supporting calculations depict a detention basin with a volume of approximately 4.0 acre feet. The proposed plan also depicts a stilling basin within the detention basin as part of a stormwater management and treatment system.

Independent calculations performed by the firm of Nussbaumer & Clarke, Inc. of Buffalo have estimated that the standard 100 year (Town standard) post development basin volume would need to be approximately 2.0 acre feet in size. A forebay or treatment portion of the stormwater system would need to provide approximately 1.5 acre feet of storage to satisfy NYSDEC's SPDES general permit requirements for first flush control. The area of 4.0 acre feet depicted for the stormwater management and treatment system should accommodate both the detention and treatment portions of the stormwater system.

The proposed development site slopes westward to Transit Road where an existing stormwater network is in place. Managed and treated stormwater will discharge to the NYSDOT's existing pipe system along the Transit Road right-of-way at a rate and location(s) approved by NYSDOT.

(iv) TRAFFIC LEVELS

The potential future use of the property if rezoned was analyzed in terms of traffic impacts from a conceptual proposal to build on the property. A detailed study of potential full build out was performed including theoretical out parcel and periphery development. The study concluded that the traffic impacts could be reduced by the addition of new turning lanes at Transit Road, at William Street and Losson Road, signal improvements at the above intersections and at the proposed main entrance at the current Wegmans driveway location, and geometric improvements including a new travel and turning lane adjacent to the development on William Street.

The NYSDOT and ECDPW have been reviewing and offering comments on the proposed development's projected traffic and improvements proposed on the adjacent streets to accommodate potential increases in traffic volume. At this time the NYSDOT has indicated that access to the site is allowable and that mitigation will be required to maintain the existing level of service. The ECDPW has also indicated that access to William Street will be allowed and anticipate that issues relative to access will be resolved to their satisfaction.

The State of New York has recently undertaken a major project to widen Transit Road adjacent west of the property from two lanes to five lanes (NYSDOT Project #511162) to accommodate and manage vehicular traffic and commercial and business development along Transit Road. The widening of Transit Road between Broadway and French Road as a regional corridor for commercial and business development has been supported by the Town of Lancaster, Village of Lancaster, Town of Cheektowaga, Town of West Seneca, and Village of Depew.

(v) NOISE LEVELS

The development of the site will not have a significant negative impact on the surrounding area with regard to noise levels for several reasons. Typically, noise levels produced by the type of development are relatively low. The operation of the commercial and/or retail businesses that may develop on the property conduct the primary portion of their business indoors. When outside operations are proposed the type of activity such as outdoor shopping and checkout service, a drive through or possible restaurant seating is not a significant noise generator.

Traffic related noise being produced by cars moving around the parking lots will be effectively attenuated by positioning the building between noise sensitive receptors and the parking lot. In addition, traffic noise from Transit Road will also be attenuated by the building placement. Delivery or pick-up vehicles requiring access to the rear or east side of the building will be in an area between a landscaped berm and the building to attenuate noise associated with the activity. In addition to the landscaped berm, vegetated distance buffering will be provided to further reduce noise effect on surrounding residential property.

Given the sensitivity of this issue, the conceptual plan for the development of the property was further studied in terms of potential noise impacts. Mr. John J. Earshen of Angevine Acoustical Consultants, Inc. studied a development's noise generation similar to the concept plan for the site, as well as the following site specific noise issues:

1. General vehicle traffic along Transit Road and William Street.
2. Delivery trucks, especially those that may operate behind or east of the building.
3. Lawn maintenance activity.
4. Rooftop heating and air conditioning equipment.
5. Snow clearing operations.

The detailed study supports earlier conclusions that noise levels from the future development of the property for business will not be significantly adverse. Projected minor increases in noise may be further limited or reduced by the use of low or no maintenance planting in the landscaped areas east of the building. The potential for further limiting noise at the site will be subject to future review by the Town during the site plan application process.

In addition to the landscaping, during site plan review consideration will be given to the limiting of operations such as snow plowing on the east side of the building during noise sensitive hours. Although the generation of any additional noise from the site was found to be insignificant, the Town recognizes that this quality of life issue should receive serious attention when plans are proposed for this area to be rezoned. Through careful review and attention by the Town's Planning Board and Engineering Department, efforts will be made to reduce possible noise from the site.

(vi) SOLID WASTE PRODUCTION

The proposed conceptual development of the site originally estimated solid waste production rates of nearly 1,000 tons per month. Subsequent consideration of the matter has estimated that these

rates will be much lower than originally thought. It is estimated that one to two dumpsters of solid waste may be produced per week from a large retail business. In addition, smaller businesses on site are expected to produce average rates of solid waste generation. In accordance with good solid waste management practices future businesses are expected to implement recycling programs for the reduction of solid waste. Licensed waste haulers will be contracted with and arrangements for disposal will be made with a solid waste facility.

(vii) **POTENTIAL FOR EROSION, FLOODING, LEACHING OR DRAINAGE**

As the site develops, temporary measures will be utilized during construction to control sediment and the potential for erosion. The Town's standard procedures will include the installation of silt fence, hay bales, and a construction sediment basin. In addition, inlet protection around stormwater receivers will be utilized to control sediment entry to the existing drainage network, and efforts to control sediment as close to potential sources will be made and monitored. A Stormwater Pollution Prevention Plan will be prepared in accordance with the SPDES program's general guidelines to reduce the potential for pollution, erosion, and flooding.

§17.7(c)(1)(ii)

the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

(i) **LAND CLEARING**

The majority of the undeveloped portion of the site supports a successional woodlot plant community. A large portion of the eastern part of the site is mature forest. The remainder of the site supports successional old field and shrubland plant communities. An approximately 100-foot wide strip of woodland would be left undeveloped along the east property boundary. The remainder of the undeveloped portion of the site would likely be cleared by development of the property.

Although the amount of vegetation being removed from the site would be significant, the overall impact to natural resources in the area would not be adverse. Successional woody and herbaceous plant communities have become increasingly more common in the area as more and more farmland has been abandoned. Aerial photography from 1978 indicates that much of the site, especially to the south and west, was cleared for agriculture.

The site has been encroached by development on three sides. A substantial portion of the southwestern portion of the site has been disturbed. The much larger woodlot north of the site would be left intact. This woodlot would be expected to harbor a larger and more diverse plant and animal community because of the larger, broader area of woodlot habitat and less peripheral development. Due to smaller size and closer proximity to human activity, the site likely provides suitable habitat for only a few wildlife species including gray squirrel, opossum, raccoon, meadow vole, mole, screw and bat. Deer and fox may occasionally seek food and cover in the area. Several bird species may be permanent residents or nest on the site. Most birds utilizing the site would be transient.

Wildlife species inhabiting or moving through the site are very common in the western New York area. These species are all opportunistic and would be expected to move into similar habitats in the area during site development. Many of these species would still utilize the strip of woodland left undeveloped for cover and feeding, and as a movement corridor. Professional biologists have conducted field reviews of the site and found no unusual or unique habitat that would suggest potential for rare, threatened or endangered species to be present at the site.

Scattered wetland areas totaling approximately 3.73 acres have been identified on the site. The larger of the wetlands is wooded; shrubs and saplings dominate the smaller wetlands. The proposed project would result in the filling of these wetlands. The wetlands affected would not be classified as rare, unusual or otherwise significant. The species composition of these wetland areas is common and typical of the western New York region.

The U.S. Army Corps of Engineers (Corps) has preliminarily agreed to allow for the mitigation of the lost wetlands off site although have disagreed with the limits of wetlands shown on mapping provided by Earth Dimensions, Inc. in 1994 with revisions through 1999. To reconcile the matter a professional wetland scientist from Nussbaumer & Clarke, Inc. field reviewed the property and concluded that the area of federally-regulated wetland on site is approximately 3.73 acres versus the 2.0 acres depicted on the Earth Dimensions, Inc. mapping. Section 404 b.1 of the Clean Water Act requires that the Corps consider, in sequence, avoidance and minimization of wetland loss before

considering mitigation as compensation for impacts to wetlands. Federal regulations also require that alternatives to the filling of federally-regulated wetlands also be considered before any decision to approve the fill or mitigation plan takes place. The minimum size requirements for the project have been shown to preclude avoiding or minimizing wetland loss on the site. There are no areas suitable for on site mitigation. The agreement to leave a 100-foot strip of woodland undeveloped along the east property boundary has further reduced the acreage available for development.

The Corps would likely require a greater than 1:1 ratio of created wetlands for each acre of wetland impacted on the site. This would represent a net increase in wetlands. As the site wetlands lost to development are common in the area, mitigation could be used as an opportunity to create a less common type of wetland plant community such as an emergent marsh or wet meadow. Controlled plantings would favor development of wetland areas with a broad and varied species diversity. The success rate for creating these types of wetlands is generally high.

Based on substantial experience with similar wetland mitigation projects, it is anticipated that the USACOE will consider mitigation an appropriate solution for wetland filling at the site. If the USACOE rejects the mitigation proposal, selective development of the property could be proposed in conjunction with the utilization of the Nationwide Permit Program. Nationwide Permit Number 26 was extended on December 15, 1999 to April of 2000 which could allow up to 1/3 acre of fill automatically.

617.7(c)(1)(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;

CRITICAL ENVIRONMENTAL AREAS

This project is not situated in or substantially contiguous to a locally designated critical environmental area and no impact will occur.

617.7(c)(1)(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

CONSISTENCY WITH COMPREHENSIVE PLAN

The proposed rezoning was found to be consistent with the Master Plan for the Town of Lancaster including the Draft Comprehensive Plans of 1995 and 1999 currently under review. The area proposed for rezoning is situated within a regional commercial corridor with supporting infrastructure to permit future development plans.

617.7(c)(1)(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

Detailed cultural resource investigations have been conducted on the 30 acres directly west of the site and on 36 acres directly south of the site in very close proximity to the site. Eighteen prehistoric archeological sites and three historic archeological sites were located within a 2.0 mile radius of the project areas. The nearest site was located in Cheektowaga over 3,000 feet west of the property proposed for rezoning.

The sensitivity of the site is moderated by historic impacts associated with farming operations, construction of homes and buildings, general site disturbance from clearing and grading, the presence of poorly drained soils and low topographic relief of much of the site.

Structures in the area consist of a mix of commercial and residential uses. Most of the structures in the vicinity of the proposed rezoning were constructed in the last 40 years, and preliminarily a qualified historian has determined that the structures in the project vicinity are not eligible for listing on the State or National Registers of Historic Places. The proposed rezoning and future development of the property for commercial or business uses is considered consistent with existing adjacent uses and will not contrast sharply with the surrounding properties.

The existing residential development to the east will be screened from the commercial development of the property by the preservation of a heavily wooded strip of property in perpetuity by the use of a conservation easement, thereby maintaining aesthetic resources and community character for the residents.

§617.7(c)(1)(vi)

a major change in the use of either the quantity or type of energy;

ENERGY USE

Undergoing construction of future commercial or businesses at the site would demand the use of fossil fuels to power construction equipment. A detailed and efficient construction schedule would be designed to expediate completion of facilities and thereby minimize energy use. Construction equipment will be maintained to ensure full efficiency. Providing commercial options for the public may reduce trip lengths or efficiency for stops in daily travel patterns potentially saving fuel and energy resources.

§617.7(c)(1)(vii)

the creation of a hazard to human health;

HUMAN HEALTH

No tangible effect on human health can reasonably be related to the proposed rezoning or future commercial use of the property.

§617.7(c)(1)(viii)

a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

The property's current use is primarily vacant, then commercial and residential. No effect on agricultural, open space, or recreational resources will occur or to the property to support existing uses. The existing uses on the property have been abandoned and existing structures are proposed for demolition.

§617.7(c)(1)(ix)

the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

The proposed commercial use of the property is expected to attract people to the site for short periods of time while conducting normal and typical business at commercial or retail establishments.

POPULATION

§617.7(c)(1)(x)

the creation of a material demand for other actions that would result in one of the above consequences;

The proposed rezoning and subsequent commercial development of the property is expected to have no material demand associated with any effect analyzed. A moderately beneficial impact will occur by the increased value in taxable property without a corresponding demand on community services.

DEMAND FOR MATERIALS

§617.7(c)(1)(xi)

changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

CUMULATIVE IMPACTS

The only potential for cumulative impact from the proposed development could be associated with the controlling of stormwater discharges relative to downstream effects. It is presently believed that the NYSDOT will require that no increase in stormwater will be allowed to discharge to their system. Future plans associated with the development of the site must be sensitive to system limitations and will be subject to the approval of the NYSDOT. The concept plan for the development of the site shows that adequate area has been considered to manage and treat stormwater in compliance with local and state standards.

§617.7(c)(1)(xii)

two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

CUMULATIVE IMPACTS

The only related actions potentially resulting in cumulative effects would be plans for a service station at the corner of Transit Road and William Street that have been reviewed and approved by the Town of Lancaster. The cumulative effect of this development has been considered during the traffic analysis and subsequent review by NYSDOT. The Town is aware that inter parcel connectors will have to be considered for any development on the property proposed for rezoning and coordination will be undertaken by the Town during the plan review process.

For Further Information:

Contact Person: Richard J. Sherwood, Esq.
Lancaster Town Attorney
21 Central Avenue
Lancaster, NY 14086

Date: December 20, 1999

RULE SUSPENSION:

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of a resolution to amend the zoning ordinance and zoning map of the Town of Lancaster with respect to the petition of NEC Transit/William LLC for real property located at the northeast corner of Transit Road and William Street. -- Suspension **Granted**

RESOLUTION PRESENTED:

A resolution was thereupon offered by Supervisor Giza and seconded by Council Member Maryniewski to amend the zoning ordinance and zoning map of the Town of Lancaster with respect to the petition of NEC Transit/William LLC for real property located at the northeast corner of Transit Road and William Street.

AMENDMENT OFFERED:

A motion was made by Council Member Connelly and seconded by Council Member Stempniak to amend Supervisor Giza's resolution as follows:

ADD: the following additional resolve:

8. That the zoning ordinance and zoning map change amendment set forth in resolve number one [1] is a **conditional amendment** predicated upon approval by the Lancaster Town Board, within one [1] year of the date of adoption of this resolution, of a development site plan pursuant to the provisions of Chapter 50-43 of the Code of the Town of Lancaster, for the real property described in Schedule A which is attached to and made a part of this resolution. In the event that such site plan is not so approved, the real property described in Schedule A shall revert back to the zoning classifications it enjoyed prior to the adoption of this conditional rezone.

ROLL CALL ON : Connelly/Stempniak AMENDMENT:

Connelly Yes; Maryniewski Yes; Montour Yes; Stempniak Yes; Giza Yes

AMENDMENT: APPROVED - *Thereupon, consideration of the original resolution as amended continued.*

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

WHEREAS, NEC Transit William, LLC (the "Applicant") with offices at 6495 Transit Road, Bowmansville, New York has petitioned the Town Board of the Town of Lancaster (the "Town") with an application dated March 15, 1999 to amend the Zoning District Map and Zoning Ordinance of the Town to rezone approximately 36 acres of land located at the northeast corner of Transit and William Street in the Town of Lancaster, County of Erie and State of New York which hereinafter shall be referred to as the "Property", and

WHEREAS, the westerly (approximately) 15 acres of the Property is currently zoned as CMS-Commercial and Motor Service District and the easterly (approximately) 21.37 acres of the Property is currently zoned as R-1 Residential District One, and

WHEREAS, such application to amend the Town's Zoning District Map and Zoning Ordinance is to rezone the Property to GB-General Business District, which hereinafter shall be referred to as the "Action", and

WHEREAS, such application has been referred to the Planning Board of the Town for its review, recommendation and report, and in accordance with applicable provisions of the Town Law of the State of New York, and a public hearing on the proposed rezone of the Property was held on June 7, 1999 at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, and

WHEREAS, notice was given as to such public hearing and published in the Lancaster Bee, a newspaper of general circulation in the Town on May 20, 1999 and also posted on the Town bulletin board and that notice of the Action and of such hearing has been referred to the Erie County Department of Environment and Planning pursuant to § 239 (m) of the General Municipal Law, and

WHEREAS, the Town's Municipal Review Committee and the Town Board has undertaken a review of the application to rezone the Property in accordance with the ordinances of the Town and the New York State Environmental Quality Review Act, and the regulations issued by the New York State Department of Environmental Conservation applicable thereto at NYCRR Part 617 *et seq.* (Collectively referred to as "SEQRA"), and

WHEREAS, after giving due consideration to the comments of the general public derived from the above-referenced public hearing, the recommendations of the Town's Municipal Review Committee with respect to such petition to rezone the Property and the negative declaration issued in accordance with the SEQRA, and

WHEREAS, the Town's Draft Comprehensive Plan dated June 1995, prepared for the Town by Saratoga Associates recognized the need to establish a "Transit Road Regional Commercial Corridor" to highlight and promote the existing commercial corridor of land use in the Town along Transit Road, which would serve regional needs, and which plan recommended an increase in the depth of existing commercial and business zoning districts beyond 300 feet to accommodate such regional general business needs, and

WHEREAS, the State of New York has recently undertaken a major project to widen Transit Road adjacent west of the Property from two lanes to five lanes (Department of Transportation Project number 511162) to accommodate vehicular traffic and commercial and business development along Transit Road, and

WHEREAS, such widening of Transit Road between Broadway and French Road as a regional corridor for commercial and business development has been supported by the Town of Lancaster, Village of Lancaster, Town of Cheektowaga, Town of West Seneca and Village of Depew, and

WHEREAS, the Town of Lancaster, Village of Lancaster and Village of Depew have undertaken development of A Comprehensive Plan dated September 1999, with professional planners: Peter J. Smith & Company, Inc. and The Saratoga Associates, which among other things, recommends that the Town of Lancaster update its zoning ordinance and zoning map to include designation of Transit Road as a regional commercial route with adequate depth along such corridor for appropriate commercial and business development able to serve regional needs, and

WHEREAS, the other parcels of land across from the Property, to wit: the northwest, southeast, and southwest corners of the intersection of Transit Road and William Street are all zoned for commercial and business use, and

WHEREAS, the rezone of the Property is consistent with and in furtherance of the intent and objectives of the Town's Comprehensive Plan for land use and the Town's Zoning Code, and

WHEREAS, the Town's Municipal Review Committee and the Town Board have recognized the needs of balancing commercial development within the Town and the needs of residential users, in particular, the needs of property owners and residents located east and adjacent to and across from the Property, and

WHEREAS, the Town Board and the Applicant for the rezoning of the Property desire to establish an effective buffer between the MFR-Multifamily Residential District adjacent east of the Property and the real property to be rezoned as GB-General Business District, and

WHEREAS, the Applicant has offered to establish a buffer of one hundred five feet (105') measured from the east line of the Property, which land will provide for berms, trees and other natural vegetation to effectively separate different land uses, and

WHEREAS, the Applicant has no objection to the easterly sixty feet of the Property, within such one hundred five foot buffer area, remaining zoned R-1-Residential District One, in order, among other things, to protect the environmental quality of the residents and owners of the land adjacent east of the Property, and

WHEREAS, the Action or proposed change to the Zoning Ordinance and the Town's Zoning District Maps shall be to rezone approximately 33.63 acres, the westerly (approximately) 15 acres of which is zoned CMS-Commercial and Motor Service District and the easterly (approximately) 18.78 acres of which is currently zoned as R-1 Residential District One, all to become zoned GB-General Business District, and

WHEREAS, the Town Board is authorized and has jurisdiction with respect to all zoning matters within the boundaries of the Town of Lancaster.

NOW, THEREFORE, be it resolved as follows:

1. The Town's Zoning Ordinance and Zoning Map with respect to the real property located at the northeast corner of Transit Road and William Street, more particularly described by metes and bounds in Schedule A, attached hereto and made a part hereof, are hereby amended and changed from CMS-Commercial and Motor Services District and R-1-Residential District One to GB-General Business District.
2. The Town's Zoning Ordinance and Zoning Map with respect to the easterly sixty feet (60') of the Property shown on the sketch on Schedule B and which land is more particularly described in Schedule C (such schedules are attached hereto and made a part hereof), shall remain unchanged as R-1-Residential District One.
3. That such 60 foot strip of land shall remain as land dedicated to forestry purposes and shall be subject to a conservation easement to be granted by the owner of such Property, which shall be placed on record in the Office of the Erie County Clerk, upon terms and conditions to be satisfactory and acceptable to the attorney for the Town in accordance with this Resolution.
4. This zoning approval shall take effect upon the filing of the negative declaration in accordance with the SEQRA and subsequent publication of this notice of adoption of the amendment to the Town Zoning Ordinance and Town Zoning District Map.
5. That the said ordinance amendment be added in the Minutes of the Town Board of the Town of Lancaster held on the 20th day of December, 1999.

6. That a certified copy thereof be published in the Lancaster Bee or other newspaper of general circulation and that affidavits of such publication be filed with the Town Clerk.

7. That a certified copy of this Resolution be delivered to the Erie County Department of Environment and Planning and the Town Attorney and Town Clerk are hereby directed to take any and all other actions necessary to comply with applicable law with regard to the amendment of the Zoning Ordinance and Zoning District Map of the Town of Lancaster.

8. That the zoning ordinance and zoning map change amendment set forth in resolve number one [1] is a **conditional amendment** predicated upon approval by the Lancaster Town Board, within one [1] year of the date of adoption of this resolution, of a development site plan pursuant to the provisions of Chapter 50-43 of the Code of the Town of Lancaster, for the real property described in Schedule A which is attached to and made a part of this resolution. In the event that such site plan is not so approved, the real property described in Schedule A shall revert back to the zoning classifications it enjoyed prior to the adoption of this conditional rezone.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED NO
SUPERVISOR GIZA	VOTED YES

December 20, 1999

SCHEDULE A

**DESCRIPTION OF PROPERTY TO BE RE-ZONED GB - GENERAL
BUSINESS DISTRICT LOCATED ON TRANSIT ROAD
NORTH OF WILLIAM STREET
LANCASTER, NEW YORK**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie, State of New York, being part of Lot 94, Township 10, Range 6 of the Buffalo Creek Indian Reservation and more particularly described as follows:

COMMENCING at a point in the centerline of William Street with the intersection of the original centerline of Transit Road; Thence East along the centerline of William Street, a distance of 355.75 feet to a point; Thence North a distance of 40.01 feet to the **POINT OF BEGINNING**.

Thence North, a distance of 316.25 feet to a point;

Thence West, a distance of 324.34 feet to a point;

Thence North, along the easterly line of Transit Road, a distance of 141.63 feet to a point;

Thence West, a distance of 5.5 feet to a point;

Thence North, along the easterly line of Transit Road, a distance of 839.25 feet to a point;

Thence East, a distance of 572.70 feet to a point;

Thence North, parallel with the original centerline of Transit Road, a distance of 578.03 feet to a point;

Thence East, along the north line of Lot 94, a distance of 434.34 feet to a point;

Thence South, parallel with said centerline of Transit Road, a distance of 1879.58 feet to a point;

Thence West, along the north line of William Street (being 50 feet wide), a distance of 434.49 feet to a point;

Thence North, a distance of 15.00 feet to a point;

Thence West, along the north line of William Street (being eighty feet wide), a distance of 267.15 feet to **THE POINT AND PLACE OF BEGINNING**.

Containing 33.63 +/- acres of land.

BULIB01057711

[illegible]

REZONING PLAN
M. E. CORNER TRANSIT RD. & WILLIAM ST.
LANCASTER NEW YORK

First Group: $\text{H}_2\text{O} + \text{H}_2\text{O} \rightarrow \text{H}_2\text{O} + \text{H}_2\text{O}$ $\text{H}_2\text{O} + \text{H}_2\text{O} \rightarrow \text{H}_2\text{O} + \text{H}_2\text{O}$ $\text{H}_2\text{O} + \text{H}_2\text{O} \rightarrow \text{H}_2\text{O} + \text{H}_2\text{O}$

SCHEDULE C

**DESCRIPTION OF LAND CURRENTLY ZONED
R-1 TO REMAIN ZONED R-1**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie, State of New York, being part of Lot 94, Township 10, Range 6 of the Buffalo Creek Indian Reservation and more particularly described as follows:

COMMENCING at a point in the centerline of William Street, a distance of 1057.39 feet easterly of the intersection of the original centerline of Transit Road; Thence North a distance of 25.00 feet to the POINT OF BEGINNING:

Thence North, a distance of 1888.05 feet to a point;

Thence East, a distance of 60 feet to a point;

Thence South, a distance of 1879.58 feet to a point;

Thence West, along the northerly line of William Street, a distance of 60 feet to the POINT AND PLACE OF BEGINNING.

Containing 2.58 ± acres of land.

BULB011557711

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
NEC TRANSIT WILLIAM LLC.
NORTHEAST CORNER OF TRANSIT ROAD
AND WILLIAM STREET, TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of said Town is hereby changed so that the real property hereinafter described is changed from a CMS - Commercial and Motor Service District and R-1 Residential District One to GB - General Business District. This zoning ordinance and zoning map change amendment is a **conditional amendment** predicated upon approval by the Lancaster Town Board, within one [1] year of the date of adoption of this resolution, of a development site plan pursuant to the provisions of Chapter 50-43 of the Code of the Town of Lancaster, for the real property described in Schedule A which is attached to and made a part of this resolution. In the event that such site plan is not so approved, the real property described in Schedule A shall revert back to the zoning classifications it enjoyed prior to the adoption of this conditional rezone.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie, and State of New York, being part of Lot 94, Township 10, Range 6 of the Buffalo Creek Indian Reservation and more particularly described as follows:

COMMENCING at a point in the center line of William Street with the intersection of the original centerline of Transit Road; Thence East along the centerline of William Street, a distance of 355.75 feet to a point; Thence North a distance of 40.01 feet to the POINT OF BEGINNING.

Thence North, a distance of 316.25 feet to a point;

Thence West, a distance of 324.34 feet to a point;

Thence North, along the easterly line of Transit Road, a distance of 141.63 feet to a point;

Thence West, a distance of 5.5 feet to a point;

Thence North, along the easterly line of Transit Road, a distance of 839.25 feet to a point;

Thence East, a distance of 572.70 feet to a point;

Thence North, parallel with the original centerline of Transit Road, a distance of 578.03 feet to a point;

Thence East, along the north line of Lot 94, a distance of 434.34 feet to a point;

Thence South, parallel with said centerline of Transit Road, a distance of 1879.58 feet to a point;

Thence West, along the north line of William Street (being 50 feet wide), a distance of 434.49 feet to a point;

Thence North, a distance of 15.00 feet to a point;

Thence West, along the north line of William Street (being eighty feet wide), a distance of 267.15 feet to THE POINT AND PLACE OF BEGINNING.

Containing 33.63 +/- acres of land.

December 20, 1999

STATE OF NEW YORK :
COUNTY OF ERIE : ss:

TOWN OF LANCASTER:

This is to certify that I, **ROBERT P. THILL**, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of a Rezone- NEC Transit William LLC., with the original thereof filed in my office at Lancaster, New York on the 20th day of December 1999, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of this Town this 20th day of December 1999.

ss//
Robert P. Thill, Town Clerk

COMMUNICATIONS:

723. General Crew Chief to Planning Board Chairman -
Recommendation re: islands, cul-de-sacs and entrances into subdivisions.
DISPOSITION = Received & Filed
724. Residents of Town of Lancaster to Town Board -
Transmittal of petition re: support of rezone application of NEC Transit/William LLC. DISPOSITION = Planning Committee
725. Adelphia Cable to Town Clerk -
Transmittal of new procedures re: Senior Citizen Discount Policy. DISPOSITION = Received & Filed
726. Skaros Restaurant to Town Clerk -
Notification of renewal of Liquor License. DISPOSITION = Received & Filed
727. Robert P. Thill to Town Board and Town Council Members Elect -
Request appointment to Zoning Board of Appeals. DISPOSITION = Organizational Meeting
728. William Maryniewski to Town Board -
Request appointment to Zoning Board of Appeals. DISPOSITION = Organizational Meeting
729. Residents of Town of Lancaster to Town Board -
Transmittal of petition re: support of rezone application of NEC Transit/William LLC. DISPOSITION = Planning Committee
730. John Pawelski to Town Board -
Request no change to 60 foot conservation easement in Queens Park Subdivision.
DISPOSITION = Received & Filed
731. Chairman, Town of Lancaster Industrial Development Agency to Town Clerk -
Transmittal of 2000 Budget. DISPOSITION = Received & Filed
732. Chief of Police to Planning Board Chairman -
Review of site plan for English Park Village office expansion with no objections.
DISPOSITION = Received & Filed
733. Roy Schneggenburger to Town Board -
Transmittal of petition re: dumping. DISPOSITION = Town Clerk
734. General Crew Chief to Council Member Stempniak -
Recommend landscape plan for addition to Electrosynthesis Company.
DISPOSITION = Planning Committee
735. Bowmansville Vol. Fire Association to Town Board -
Request addition to membership roster. DISPOSITION = Received & Filed
736. Town of Cheektowaga Building Inspector to Town Board -
Recommend approval of Lancaster/Depew Comprehensive Master Plan.
DISPOSITION = Received & Filed
737. Town of Cheektowaga Building Inspector to Town Board -
Comments after review by a consultant re: NEC Transit/William NEC.
DISPOSITION = Planning Committee
738. Highway Superintendent to Planning Board Chairman -
Recommend approval of site plan for English Park Village. DISPOSITION = Received & Filed
739. Carleen Blake Ryan to Town Board -
Request denial of rezone for NEC Transit/William LLC. DISPOSITION = Planning Committee

740. Amanda Flewelling to Supervisor -
Request denial of rezone for NEC Transit/William LLC. DISPOSITION =
Planning Committee
741. Nicole M. Grabski to Supervisor -
Request approval of rezone for NEC Transit/William LLC. DISPOSITION =
Planning Committee
742. Amherst Council Member to Town Board -
Transmittal of resolution adopted by Amherst Town Board re: Amherst Industrial
Development. DISPOSITION = Received & Filed
743. Council Member Elect Zarbo to Supervisor -
Request the same committee assignments as were held by Council Member Connelly
DISPOSITION = Organizational Meeting
744. Roy Schneggenburger to Supervisor, Town Board -
Transmittal of comments re: NEC Transit/William LLC. DISPOSITION =
Planning Committee
745. Gary & Marcia Balbuzowski to Supervisor -
Request approval of rezone for NEC Transit/William LLC. DISPOSITION =
Planning Committee
746. Erie County Soil & Water Conservation District to Supervisor -
Notice of grant award for Water Quality Improvement funding. DISPOSITION =
Received & Filed
747. Josephine Blanchett to Supervisor -
Request approval of rezone for NEC Transit/William LLC. DISPOSITION =
Planning Committee
748. Autistic Services, Inc. to Wainwright Court Residents -
Express interest in purchase of a home on Wainwright Court. DISPOSITION = Town
Attorney, Supervisor
749. Lawrence Korzeniewski to Supervisor -
Request appointment to Zoning Board of Appeals. DISPOSITION = Organizational
Meeting
750. Twin District Fire Chief to Bella Vista Group -
Express support of NEC Transit/William rezone application with suggestions for
various aspects of project. DISPOSITION = Planning Committee
751. Stanley & Liza Nowacki to Supervisor -
Request approval of rezone for NEC Transit/William LLC. DISPOSITION =
Planning Committee
752. Len Jankiewicz to Supervisor -
Request approval of rezone for NEC Transit/William LLC. DISPOSITION =
Planning Committee
753. Director of Disaster Preparedness & Safety to Supervisor -
Transmittal of plans in preparation for any problems that might occur due to Y2K.
DISPOSITION = Received & Filed
754. Bee Group Newspapers to Town Board -
Request designation of "Official Newspaper" for the coming year. DISPOSITION =
Organizational Meeting
755. Sarah Ruffino to Supervisor -
Request approval of rezone for NEC Transit/William LLC. DISPOSITION =
Planning Committee

756. Thomas Carlsen & Edward Carlsen, Jr to Supervisor -
Request approval of rezone for NEC Transit/William LLC. DISPOSITION =
Planning Committee
757. Village Officials Association and Associate membership to Town Board -
Invitation to Christmas Party at Michael's Banquet Facility. DISPOSITION =
Received & Filed
758. Receiver of Taxes & Assessments to Town Board -
Transmittal of report of the 1999-2000 school tax collection and warrants.
DISPOSITION = Received & Filed
759. Lee Chowaniec to Town Board -
Comments re: DEIS Review response by Bella Vista for proposed rezoning by
Transit/William LLC. DISPOSITION = Planning Committee
760. Stanley Jay Keysa to Town Board -
Request appointment to Town Planning Board. DISPOSITION = Organizational
Meeting
761. Town Attorney to Erie County Dept. of Planning and Development -
Request lead agency designation for English Park Village site plan. DISPOSITION =
Received & Filed
762. Town Engineer to Town Board -
Recommend acceptance of P.I.P. for street lighting in Autumn Park Subdivision.
DISPOSITION = Town Attorney
763. Town Engineer to Town Board -
Recommend acceptance of P.I.P. for street lighting in Village on the Park
Subdivision, Phase III. DISPOSITION = Town Attorney
764. NEC Transit/William LLC to Town Clerk -
Request withdrawal of amended rezone application dated July 23, 199 and continuance
of review of application as originally submitted. DISPOSITION =
Town Attorney
765. General Crew Chief to Supervisor -
Request use of Walden Pond Park for Section VI and the NYSPHSAA Softball
Tournaments in June, 2000. DISPOSITION = Received & Filed
766. Lee Chowaniec to Editor, "Everybody's Column" The Buffalo News -
Comments re: Public Hearing to review NEC Transit/William LLC DEIS.
DISPOSITION = Planning Committee
767. State of New York Office of Real Property Services to Assessor -
Enclosure of documents to assist municipalities interested in a program of annual
reassessment. DISPOSITION = Assessor
768. Council Member Connelly to Erie County Dept. of Public Works -
Request written response re: outstanding issues on certain County roads in the Town
of Lancaster. DISPOSITION = Received & Filed
769. James A. Bistoff to Supervisor -
Request reappointment to position of Fire Inspector, part time in the Building
Inspector's Office. DISPOSITION = Organizational Meeting
770. Donald Diebel to Town Clerk, Supervisor, Town Board & Donald Richardson -
Request appointment to position of assistant Bingo Inspector for the Town of
Lancaster. DISPOSITION = Organizational Meeting
771. Roy Schneggenburger to Supervisor -
Request refund of Dumping Permit Application. DISPOSITION = Building Inspector

772. Supervisor to Patrick Hermann -
Reply to concerns re: intersection of Stutzman Road and Pleasant View Drive.
DISPOSITION = Public Safety Committee
773. Paul McAllister Jr. to Town Board -
Request permission to sub divide property he owns at 705 Aurora Street.
DISPOSITION = Town Attorney
774. Executive Director Youth Bureau to Supervisor -
Request creation of additional position of Program Coordinator. DISPOSITION = Resolution
775. Director of Office of Disaster & Preparedness & Safety Department to Supervisor -
Transmittal of minutes from meeting of Safety Steering Committee 12/15/99.
DISPOSITION = Received & Filed
776. Planning Board to Town Board -
Conveyance of minutes from meeting of 12/15/99. DISPOSITION = Received & Filed
777. George Ciancio to Town Board -
Transmittal of petitions in opposition for the proposed rezoning of NEC Transit/William LLC. DISPOSITION = Planning Committee
778. Rick Anastasi to Supervisor -
Supports rezone application of NEC Transit/William LLC. DISPOSITION = Planning Committee
779. Grantmakers Advantage, Inc. to Supervisor -
Request renewal of contract for grants consultation services for 2000. DISPOSITION = Organizational Meeting
780. Wayne Robinson to Supervisor -
Request reappointment to position of Assistant Bingo Inspector. DISPOSITION = Organizational meeting
781. Rachel Cisco to Town Board -
Request approval of rezone application of NEC Transit/William LLC. DISPOSITION = Planning Committee
782. Planning Board to Town Board -
Conveyance of approval of site plan for English Park Village. DISPOSITION = Planning Committee
783. Town Clerk to Various News Media -
Notice of SEQR Review Meeting of the Town Board and Planning Board of the Town of Lancaster for December 20, 1999 at 6:30 P.M.. DISPOSITION = Received & Filed
784. Erie County dept. of Environment and Planning to Town Board -
Notice of open house re: facilities' risk management plans. DISPOSITION = Received & Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPIAK AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:16 P.M.

Signed Robert P. Thill
Robert P. Thill, Town Clerk